



General Assembly

***Substitute Bill No. 5446***

*February Session, 2010*

\* \_\_\_\_HB05446PH\_\_\_\_032210\_\_\_\_ \*

***AN ACT CONCERNING MASS GATHERINGS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-436 of the 2010 supplement to the general  
2 statutes is repealed and the following is substituted in lieu thereof  
3 (*Effective from passage*):

4 (a) [No] Except as provided in subsection (d) of this section, no  
5 person shall permit, maintain, promote, conduct, advertise, act as  
6 entrepreneur, undertake, organize, manage or sell or give tickets to an  
7 actual or reasonably anticipated assembly of two thousand or more  
8 people [which] that continues or can reasonably be expected to  
9 continue for twelve or more consecutive hours, whether on public or  
10 private property, unless a license to hold the assembly has first been  
11 issued by the chief [of police] elected official of the municipality in  
12 which the assembly is to gather. [or, if there is none, the first  
13 selectman. A license to hold an assembly issued to one person shall  
14 permit any person to engage in any lawful activity in connection with  
15 the holding of the licensed assembly.]

16 (b) A separate license shall be required for each day and each  
17 location in which two thousand or more people assemble or can  
18 reasonably be anticipated to assemble. The fee for each license shall be  
19 one hundred dollars.

20 [(c) A license shall permit the assembly of only the maximum  
21 number of people stated in the license. The licensee shall not sell  
22 tickets to or permit to assemble at the licensed location more than the  
23 maximum permissible number of people.]

24 [(d)] (c) The licensee shall not permit the sound of the assembly to  
25 carry unreasonably beyond the boundaries of the location of the  
26 assembly.

27 (d) A municipality may waive the licensure process prescribed in  
28 this chapter, provided no assembly, as described in subsection (a) of  
29 this section, may gather without a license unless the person  
30 undertaking the assembly has provided: (1) Prior notification to the  
31 chief elected official of the municipality where the assembly is to  
32 gather, and (2) a letter to the chief elected official of the municipality  
33 documenting that the requirements of section 19a-437, as amended by  
34 this act, have been met. The person undertaking the gathering shall  
35 provide such notice and letter to the chief elected official of the  
36 municipality not less than twenty days prior to the date when the  
37 assembly is to gather.

38 Sec. 2. Section 19a-437 of the general statutes is repealed and the  
39 following is substituted in lieu thereof (*Effective from passage*):

40 Before the issuance of a license in accordance with the provisions of  
41 this chapter, the applicant shall first:

42 (1) Determine the maximum number of people which will be  
43 assembled or admitted to the location of the assembly, provided the  
44 maximum number shall not exceed the maximum number which can  
45 reasonably assemble at the location of the assembly in consideration of  
46 the nature of the assembly and provided, where the assembly is to  
47 continue overnight, the maximum number shall not be more than is  
48 allowed to sleep within the boundaries of the location of the assembly  
49 by the zoning or health ordinances of the municipality and that, for an  
50 assembly that occurs on an annual basis, the maximum number of  
51 people determined may be the average number of persons assembled

52 each day of the assembly during the prior four years of the assembly;

53 (2) Provide proof that food concessions will be in operation on the  
54 grounds with sufficient capacity to accommodate the number of  
55 persons expected to be in attendance and that he will furnish at his  
56 own expense before the assembly commences: (A) Potable water,  
57 meeting all federal and state requirements for purity, sufficient to  
58 provide drinking water for the maximum number of people to be  
59 assembled at the rate of at least one gallon per person per day and  
60 water for bathing at the rate of at least ten gallons per person per day;  
61 (B) separate enclosed toilets for males and females, meeting all state  
62 and local specifications, conveniently located throughout the grounds,  
63 sufficient to provide facilities for the maximum number of people to be  
64 assembled at the rate of at least one toilet for every two hundred  
65 females and at least one toilet for every three hundred males, together  
66 with an efficient, sanitary means of disposing of waste matter  
67 deposited, which is in compliance with all state and local laws and  
68 regulations. A lavatory with running water under pressure and a  
69 continuous supply of soap and paper towels shall be provided with  
70 each toilet; (C) a sanitary method of disposing of solid waste, in  
71 compliance with state and local laws and regulations, sufficient to  
72 dispose of the solid waste production of the maximum number of  
73 people to be assembled at the rate of at least two and one-half pounds  
74 of solid waste per person per day, together with a plan for holding and  
75 a plan for collecting all such waste at least once each day of the  
76 assembly and sufficient trash cans with tight fitting lids and personnel  
77 to perform the task; (D) [a written plan reviewed by the primary  
78 service area responder, as defined in section 19a-175, in the location  
79 where the assembly is to be held, that indicates that the applicant has  
80 satisfactorily planned and arranged for the on-site availability of an  
81 emergency medical service organization, as defined in section 19a-175,  
82 during the duration of the assembly; (E) if the assembly is to continue  
83 during hours of darkness, illumination sufficient to light the entire  
84 area of the assembly at the rate of at least five foot candles, but not to  
85 shine unreasonably beyond the boundaries of the location of the

86 assembly; (F)] a copy of a written plan for the provision of emergency  
87 medical services, prepared by the applicant in consultation and  
88 cooperation with the primary service area responder, as defined in  
89 section 19a-175, for the location where the assembly is to occur, that is  
90 in compliance with state law and any applicable local ordinances; (E) a  
91 [free] parking area [inside of the assembly grounds] sufficient to  
92 provide parking space for the maximum number of people to be  
93 assembled; [at the rate of at least one parking space for every four  
94 persons; (G) telephones connected to outside lines sufficient to provide  
95 service for the maximum number of people to be assembled at the rate  
96 of at least one separate line and receiver for each one thousand  
97 persons; (H)] (E) if the assembly is to continue overnight, camping  
98 facilities in compliance with all state and local requirements, sufficient  
99 to provide camping accommodations for the maximum number of  
100 people to be assembled; [(I) security guards, either regularly  
101 employed, duly sworn, off duty policemen or constables or private  
102 guards, licensed in this state, sufficient to provide adequate security  
103 for the maximum number of people to be assembled at the rate of at  
104 least one security guard for every seven hundred fifty people; (J) fire  
105 protection, including alarms, extinguishing devices and fire lanes and  
106 escapes, sufficient to meet all state and local standards for the location  
107 of the assembly and sufficient emergency personnel to operate  
108 efficiently the required equipment; (K) all reasonably necessary  
109 precautions to insure that the sound of the assembly will not carry  
110 unreasonably beyond the enclosed boundaries of the location of the  
111 assembly; and (L) a bond, filed with the clerk of the municipality in  
112 which the assembly is to gather, either in cash or underwritten by a  
113 surety company licensed to do business in this state at the rate of four  
114 dollars per person for the maximum number of people permitted to  
115 assemble, which (i) shall indemnify and hold harmless the  
116 municipality or any of its agents, officers, servants or employees from  
117 any liability or causes of action which might arise by reason of  
118 granting the license, and from any cost incurred in cleaning up any  
119 waste material produced or left by the assembly; (ii) guarantee the  
120 state the payment of any taxes which may accrue as a result of the

121 gathering; and (iii) guarantee reimbursement of ticketholders if the  
122 event is cancelled] (G) a copy of a written plan for on-site security and  
123 for traffic control on public roads prepared by the applicant in  
124 consultation and cooperation with the local police authority that is in  
125 compliance with state law and any applicable local ordinances; and  
126 (H) a copy of a written plan for fire protection prepared by the  
127 applicant in consultation and cooperation with the local fire  
128 department that is in compliance with state law and any applicable  
129 local ordinances.

130 Sec. 3. Section 19a-438 of the 2010 supplement to the general statutes  
131 is repealed and the following is substituted in lieu thereof (*Effective*  
132 *from passage*):

133 (a) Application for a license to hold an actual or anticipated  
134 assembly of two thousand or more persons that continues or can  
135 reasonably be expected to continue for twelve or more consecutive  
136 hours shall be made, in writing, to the [governing body] chief elected  
137 official of the municipality [at least fifteen] not less than twenty days  
138 [in advance] prior to the date of such assembly and shall be  
139 accompanied by the [bond required by subparagraph (L) of  
140 subdivision (2) of section 19a-437 and the] license fee required by  
141 subsection (b) of section 19a-436, as amended by this act.

142 (b) The application shall contain a statement made upon oath or  
143 affirmation that the statements contained therein are true and correct  
144 to the best knowledge of the applicant. [and shall be signed and sworn  
145 to or affirmed by the individual making application in the case of an  
146 individual, by all officers in the case of a corporation, by all partners in  
147 the case of a partnership or by all officers of an unincorporated  
148 association, society or group or, if there are no officers, by all members  
149 of such association, society or group.] The application shall be signed  
150 by the individual applicant, or in cases where the applicant is a  
151 partnership, corporation, limited liability company, firm, company,  
152 association, society or group, by a duly authorized representative of  
153 such entity.

154 (c) The application shall contain and disclose: (1) The name, age,  
155 residence and mailing address of [all persons required to sign] the  
156 person signing the application [by] in accordance with subsection (b)  
157 of this section; [and, in the case of a corporation, a certified copy of the  
158 articles of incorporation together with the name, age, residence and  
159 mailing address of each person holding ten per cent or more of the  
160 stock of such corporation;] (2) the address and legal description of all  
161 property upon which the assembly is to be held, together with the  
162 name, residence and mailing address of the record owner or owners of  
163 all such property; (3) proof of ownership of all property upon which  
164 the assembly is to be held or a statement made upon oath or  
165 affirmation by the record owner or owners of all such property that the  
166 applicant has permission to use such property for an assembly of two  
167 thousand or more persons; (4) the nature or purpose of the assembly;  
168 (5) the dates and total number of [days or] hours and days, as the case  
169 may be, during which the assembly is to last; (6) the maximum number  
170 of persons which the applicant shall permit to assemble at any time,  
171 not to exceed the maximum number which can reasonably assemble at  
172 the location of the assembly, in consideration of the nature of the  
173 assembly or the maximum number of persons allowed to sleep within  
174 the boundaries of the location of the assembly by the zoning  
175 ordinances of the municipality if the assembly is to continue overnight;  
176 (7) the maximum number of tickets to be sold, if any; (8) [the plans of  
177 the] a copy of a written plan prepared by the applicant to limit the  
178 maximum number of people permitted to assemble; (9) [the plans for  
179 supplying potable water including the source, amount available and  
180 location of outlets] a copy of a written plan prepared by the applicant  
181 for the provision and existence of pure and adequate drinking water;  
182 (10) [the plans for providing] a copy of a written plan prepared by the  
183 applicant for the provision of toilet and lavatory facilities, including  
184 the source, number, location and type, and the means of disposing of  
185 waste deposited; (11) [the plans] a copy of a written plan prepared by  
186 the applicant for holding, collecting and disposing of solid waste  
187 material; (12) [the plans to provide for medical facilities, including the  
188 location and construction of a medical structure, the names and

189 addresses and hours of availability of physicians and nurses, and  
190 provisions for emergency ambulance service] a copy of a written plan  
191 for the provision of emergency medical services, prepared by the  
192 applicant in consultation and cooperation with the primary services  
193 area responder, as defined in section 19a-175, for the location where  
194 the assembly is to occur, that is in compliance with state law and any  
195 applicable local ordinances; (13) [the plans, if any, to illuminate the  
196 location of the assembly, including the source and amount of power  
197 and the location of lamps; (14) the plans] a copy of a written plan  
198 prepared by the applicant for parking vehicles, including size and  
199 location of lots, points of highway access and interior roads, including  
200 routes between highway access and parking lots; [(15) the plans for  
201 telephone service, including the source, number and location of  
202 telephones; (16) the plans] (14) a copy of a written plan prepared by  
203 the applicant for camping facilities, if any, including facilities available  
204 and their location; [(17) the plans for security, including the number of  
205 guards, their deployment, and their names, addresses, credentials and  
206 hours of availability; (18) the plans for fire protection, including the  
207 number, type and location of all protective devices including alarms  
208 and extinguishers, and the number of emergency fire personnel  
209 available to operate the equipment; (19) the plans for sound control  
210 and sound amplification, if any, including the number, location and  
211 power of amplifiers and speakers; (20) the plans for food concessions  
212 and concessioners who will be allowed to operate on the grounds  
213 including the names and addresses of all concessioners and their  
214 license or permit numbers] (15) a copy of a written plan for on-site  
215 security and traffic control on public roads, prepared by the applicant  
216 in consultation and cooperation with the local police authority, that is  
217 in compliance with state law and any applicable local ordinances; (16)  
218 a copy of a written plan for fire protection, prepared by the applicant  
219 in consultation and cooperation with the local fire department, that is  
220 in compliance with state law and any applicable local ordinances; and  
221 (17) a copy of a written plan prepared by the applicant that ensures  
222 compliance by concessioners with federal, state and municipal food  
223 protection laws.

224 Sec. 4. Section 19a-439 of the general statutes is repealed and the  
225 following is substituted in lieu thereof (*Effective from passage*):

226 [The application for a license shall be processed within twenty days  
227 of its receipt and shall be issued if all conditions are complied with.] If  
228 an applicant has complied with all licensure requirements prescribed  
229 in this chapter, the chief elected official of the municipality shall issue a  
230 license for such assembly not later than fifteen days after the date of  
231 receipt of the application.

232 Sec. 5. Section 19a-440 of the general statutes is repealed and the  
233 following is substituted in lieu thereof (*Effective from passage*):

234 [A] The chief elected official of the municipality may revoke a  
235 license issued under the provisions of this chapter [may be revoked by  
236 the governing body of the municipality] at any time if the person  
237 holding such license fails to comply with any of the conditions (1)  
238 necessary for the [issuing of] issuance of the license, or (2) contained in  
239 the license, [are not complied with, or if any condition previously met  
240 ceases to be complied with.]

241 Sec. 6. Section 19a-443 of the general statutes is repealed and the  
242 following is substituted in lieu thereof (*Effective from passage*):

243 (a) This chapter shall not apply to any regularly established,  
244 permanent place of worship, stadium, athletic field, arena, auditorium,  
245 coliseum or other similar permanently established place of assembly  
246 for assemblies which do not exceed by more than two hundred fifty  
247 people the maximum seating capacity of the structure where the  
248 assembly is held.

249 (b) This chapter shall not apply to government-sponsored fairs held  
250 on regularly established fairgrounds or to assemblies required to be  
251 licensed by other provisions of the general statutes or local ordinances.

252 (c) This chapter shall not apply to any annual agricultural fair  
253 provided: (1) Such agricultural fair has been held annually for not less



254 than ten consecutive years since 1990 at the same grounds; (2) such  
 255 agricultural fair is held on grounds owned or leased by the person  
 256 holding such agricultural fair and such grounds are specially  
 257 improved and adapted for the holding of fairs; (3) the person holding  
 258 such agricultural fair is a nonprofit organization organized under the  
 259 laws of the state; and (4) a detailed description of the agricultural fair  
 260 is hand-delivered to the chief elected official of the municipality where  
 261 the agricultural fair is to be held not less than ninety days prior to the  
 262 date of commencement of such agricultural fair. The description shall  
 263 include, but not be limited to: (A) The dates and hours of operation of  
 264 the agricultural fair; (B) the location where the agricultural fair is to be  
 265 held; (C) a copy of a written plan for the provision of emergency  
 266 medical services, prepared by the applicant in consultation and  
 267 cooperation with the primary services area responder, as defined in  
 268 section 19a-175, for the location where the assembly is to occur, that is  
 269 in compliance with state law and any applicable local ordinances; (D) a  
 270 copy of a written plan for on-site security and traffic control on public  
 271 roads, prepared by the applicant in consultation and cooperation with  
 272 the local police authority, that is in compliance with state law and any  
 273 applicable local ordinances; (E) a copy of a written plan for fire  
 274 protection, prepared by the applicant in consultation and cooperation  
 275 with the local fire department, that is in compliance with state law and  
 276 any applicable local ordinances; (F) a copy of a written plan for traffic  
 277 and transportation services; and (G) a copy of a written plan prepared  
 278 by the applicant and reviewed by the local health department or  
 279 district that ensures (i) the provision and existence of pure and  
 280 adequate drinking water; (ii) proper sewage and solid waste disposal;  
 281 and (iii) food protection measures in compliance with federal and state  
 282 law and any applicable local ordinance. No provision of this  
 283 subsection shall prohibit a municipality from enacting any ordinance  
 284 relating to an agricultural fair as otherwise authorized by law.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	19a-436
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Sec. 2	<i>from passage</i>	19a-437
Sec. 3	<i>from passage</i>	19a-438
Sec. 4	<i>from passage</i>	19a-439
Sec. 5	<i>from passage</i>	19a-440
Sec. 6	<i>from passage</i>	19a-443

**PH**      *Joint Favorable Subst.*